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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

ANGEL KEITH TOSCANO, JR., et al.,

Plaintiffs,

v.

CITY OF FRESNO, et al.,

Defendants.

Case No. 1:13-cv-01987-SAB

**ORDER REQUIRING PLAINTIFFS TO  
FILE NOTICE OF DISMISSAL WITHIN  
TEN DAYS**

The operative complaint in this action is the first amended complaint, filed May 9, 2014 against Defendants City of Fresno, Chief Jerry Dyer, Officer James Lyon, and Officer Kenneth Webb alleging violations of the Fourth and Fourteenth Amendments and state law claims. (ECF No. 19.) On June 1, 2015, Defendants filed a motion for summary judgment on the federal law claims. (ECF No. 45.) Plaintiffs filed oppositions to the motion for summary judgment on July 8, 2015. (ECF Nos. 46, 47.)

Plaintiffs' oppositions state that they do not object to the complete dismissal of Defendant Webb from this action, concede that no valid Monell claims exist against the City of Fresno and Chief Jerry Dyer, and assert that the remaining defendants on the state and federal law claims are Defendant Lyon and the City of Fresno. (ECF No. 46 at 6:17-23; ECF No. 47 at 2:11-17.)

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1           Accordingly, within ten (10) days from the date of service of this order, Plaintiffs shall  
2 file a notice of dismissal for those defendants against whom they no longer seek to proceed in  
3 this action and any claims that are being abandoned.

4  
5 IT IS SO ORDERED.

6 Dated: July 10, 2015

  
UNITED STATES MAGISTRATE JUDGE